SECTIONS 16 and 17 have been taken from Act XIII of 1897 recently passed in British India. The object of the amendment will be clear from the following extract from the speech of Sir J. Westland:—"The amendment relates to a class of documents which have, ever since the last general Stamp Act was passed, entirely escaped the proper duty payable upon them. Article 60 of the general Stamp Act provides that a five rupee stamp shall be the maximum chargeable in respect of the transfer of any interest secured by a bond, lease, mortgage-deed or policy of insurance. In the Stamp Act which was in force before the Stamp Act of 1897 was passed, the word 'lease' did not occur and nobody can find out how that word 'lease' came to be inserted in this new Stamp Act. The Bill of that time was in charge of Mr. Cockerell and a few months after the Act had passed, his attention was drawn to the operation of this article, when he happened to be inspecting the office of the Collector of Madras. He found that a transfer or conveyance of an estate of very large value which was held under a lease (as many of the tea and coffee estates are held under a lease from Government), was dealt with as a transfer of an interest secured by a lease. A pure conveyance of this sort ought obviously to bear a conveyance stamp which comes to about one per cent. on the whole value. He expressed his surprise that this article of the Stamp Act had been interpreted in this way, and stated what of course he knew to be the case, having been in charge of the Bill, that it was intended for an entirely different purpose, and that this particular document on which only a five-rupee stamp had been paid was, in his opinion, really a conveyance on which a much higher stamp should have been paid.

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"The object we have in view is to remedy what is a distinct error in the law of 1879 and to remove from it a provision which makes the duty leviable on an important class of transactions, quite different in principle from that which is levied in England and other countries where stamp-duties are levied. The remedy we propose is simply the restitution of this particular Article 60 to the form it had before the Act of 1879 came into force, namely, by cancelling in it the word 'lease'; and we define in another part of the article that the transfer of a lease which is made by way of assignment and not by way of under-lease, that is to say, that the transfer of a property which is held in lease-hold tenure, is to be stamped in the same way as a conveyance is stamped."

He introduced the Bill accordingly and moved that the principle of the Bill be affirmed.

The principle of the Bill having been affirmed by the Council Mr. Thanu Pillai moved that the Bill be referred to a Select Committee consisting of Messrs. Krishnaswamy Rao, Prince, Ramanatha Rao and the mover.

Seconded by Mr. Nagam Aiya.

Carried.

Mr. Krishnaswamy Rao.—I wish it to be distinctly stated whether the Select Committee are at liberty to make such other modifications in the Bill as may appear to them desirable. The Bill being a measure connected with public revenue it is well to have the point made clear beforehand.

President.—Yes. The Select Committee may use such discretion.

EVIDENCE BILL.

Mr. Prince.—I beg to ask leave to introduce a Bill consolidating the law of Evidence. I had hoped to send in the draft Bill before this. I shall, however, be able to send the draft in shortly for circulation among the members before the next meeting of the Council.

Leave was accordingly granted.

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